

Affidavit to Accompany

District Court No. 10362

Appeal No. 05-2233

United States
Appellee

v.
Fabian Ruiz
Defendant - Appellant

Affidavit in Support of Motion

Instructions

I swear or affirm under penalty of perjury that, because of my poverty, I cannot prepay the docket fees of my appeal or post a bond for them. I believe I am entitled to redress. I swear or affirm under penalty of perjury under United States laws that my answers on this form are true and correct. (28 U.S.C. § 1746; 18 U.S.C. § 1621.)

Complete all questions in this application and then sign it. Do not leave any blanks: if the answer to a question is "0," "none," or "not applicable (N/A)," write in that response. If you need more space to answer a question or to explain your answer, attach a separate sheet of paper identified with your name, your case's docket number, and the question number.

Signed: [Signature]

Date: 9-15-05

My issues on appeal are:

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

| Income source | Average monthly amount during the past 12 months | | Amount expected next month | |
|---|--|---------------|----------------------------|---------------|
| | You | Spouse | You | Spouse |
| Employment | \$ <u>0</u> | \$ <u>N/A</u> | \$ <u>0</u> | \$ <u>N/A</u> |
| Self-employment | \$ <u>0</u> | \$ <u>N/A</u> | \$ <u>0</u> | \$ <u>N/A</u> |
| Income from real property (such as rental income) | \$ <u>0</u> | \$ <u>N/A</u> | \$ <u>0</u> | \$ <u>N/A</u> |
| Interest and dividends | \$ <u>0</u> | \$ <u>N/A</u> | \$ <u>0</u> | \$ <u>N/A</u> |

| Income source | You | Spouse | You | Spouse |
|--|------|--------|------|--------|
| Gifts | \$ 0 | \$ N/A | \$ 0 | \$ N/A |
| Alimony | \$ 0 | \$ N/A | \$ 0 | \$ N/A |
| Child support | \$ 0 | \$ N/A | \$ 0 | \$ N/A |
| Retirement (such as social security, pensions, annuities, insurance) | \$ 0 | \$ N/A | \$ 0 | \$ N/A |
| Disability (such as social security, insurance payments) | \$ 0 | \$ N/A | \$ 0 | \$ N/A |
| Unemployment payments | \$ 0 | \$ N/A | \$ 0 | \$ N/A |
| Public-assistance (such as welfare) | \$ 0 | \$ N/A | \$ 0 | \$ N/A |
| Other (specify): | \$ 0 | \$ N/A | \$ 0 | \$ N/A |
| Total Monthly income: | \$ 0 | \$ N/A | \$ 0 | \$ N/A |

2. List your employment history, most recent employer first. (Gross monthly pay is before taxes or other deductions)

| Employer | Address | Dates of Employment | Gross monthly pay |
|-----------|-----------|---------------------|-------------------|
| HAVE BEEN | JAILED AS | OF | 10-24-2003 |
| | | | |
| | | | |

3. List your spouses's employment history, most recent employer first. (Gross monthly pay is before taxes or other deductions)

| Employer | Address | Dates of Employment | Gross monthly pay |
|----------|---------|---------------------|-------------------|
| N/A | | | |
| | | | |
| | | | |

Below, state any money you or your spouse have in bank accounts or in any other financial institution.

| Financial Institution | Type of Account | Amount you have | Amount your spouse has |
|-----------------------|-----------------|---------------------------------|------------------------|
| <u>Wells Fargo</u> | <u>Checking</u> | \$ 1000 <u>15.07</u> | \$ <u>N/A</u> |
| | | \$ | \$ <u>N/A</u> |
| | | \$ | \$ <u>N/A</u> |

If you are a prisoner, you must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.

5. List the assets, and their values, which you or your spouse owns. Do not list clothing and ordinary household furnishings.

| Home | (Value) | Other real estate | (Value) | Motor Vehicle #1 | (Value) |
|--------------------------|---------|-------------------|---------|--------------------------|---------|
| | | <u>NONE</u> | | Make & year: <u>NONE</u> | |
| | | | | Model: | |
| | | | | Registration#: | |
| Motor Vehicle #2 | (Value) | Other assets | (Value) | Other assets | (Value) |
| Make & year: <u>NONE</u> | | <u>NONE</u> | | <u>NONE</u> | |
| Model: | | | | | |
| Registration#: | | | | | |

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

| Person owing you or your spouse money | Amount owed to you | Amount owed to your spouse |
|---------------------------------------|--------------------|----------------------------|
| <u>NONE</u> | <u>NONE</u> | <u>NONE</u> |
| | | |
| | | |

7. State the persons who rely on you or your spouse for support.

| Name | Relationship | Age |
|------------------------|-----------------|-----------|
| <u>Eddie Fernandez</u> | <u>Step Son</u> | <u>11</u> |
| <u>DANAY Fernandez</u> | <u>Step Son</u> | <u>10</u> |
| <u>Fabian S. Ruiz</u> | <u>Son</u> | <u>6</u> |

| | You | Spouse |
|---|-----------------------------|---------------|
| Rent or home mortgage payment (include lot rented for mobile home) | \$ <u>1000⁰⁰</u> | \$ <u>N/A</u> |
| Are any real estate taxes included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | | |
| Is property insurance included? <input type="checkbox"/> Yes <input type="checkbox"/> No ? | | |
| Utilities (electricity, heating fuel, water, sewer, and Telephone) | \$ <u>0</u> | \$ <u>N/A</u> |
| Home maintenance (repairs and upkeep) | \$ <u>0</u> | \$ <u>N/A</u> |
| Food | \$ <u>0</u> | \$ <u>N/A</u> |
| Clothing | \$ <u>0</u> | \$ <u>N/A</u> |
| Laundry and dry-cleaning | \$ <u>0</u> | \$ <u>N/A</u> |
| Medical and dental expenses | \$ <u>0</u> | \$ <u>N/A</u> |
| Transportation (not including motor vehicle payments) | \$ <u>0</u> | \$ <u>N/A</u> |
| Recreation, entertainment, newspapers, magazines, etc. | \$ <u>0</u> | \$ <u>N/A</u> |
| Insurance (not deducted from wages or included in Mortgage payments) | \$ <u>0</u> | \$ <u>N/A</u> |
| Homeowner's or renter's | \$ <u>0</u> | \$ <u>N/A</u> |
| Life | \$ <u>0</u> | \$ <u>N/A</u> |
| Health | \$ <u>0</u> | \$ <u>N/A</u> |
| Motor Vehicle | \$ <u>0</u> | \$ <u>N/A</u> |
| Other: _____ | \$ <u>0</u> | \$ <u>N/A</u> |
| Taxes (not deducted from wages or included in Mortgage payments)(specify): _____ | \$ <u>0</u> | \$ <u>N/A</u> |
| Installment payments | \$ <u>0</u> | \$ <u>N/A</u> |
| Motor Vehicle | \$ <u>0</u> | \$ <u>N/A</u> |
| Credit card (name): _____ | \$ <u>0</u> | \$ <u>N/A</u> |
| Department store (name): _____ | \$ <u>0</u> | \$ <u>N/A</u> |
| Other: _____ | \$ <u>0</u> | \$ <u>N/A</u> |

Regular expenses for operations of business, profession,
or farm (attach detailed statement)

\$ 0\$ N/A

Other (specify): _____

\$ 0\$ N/A

Total monthly expenses:

\$ 1000⁰⁰\$ N/A

9. Do you expect any major changes to your monthly income or expenses in your assets or liabilities during the next 12 months?

☐ Yes ☒ No

If yes, describe on an attached sheet.

10. Have you paid — or will you be paying — an attorney any money for services in connection with this case, including the completion of this form? ☐ Yes ☒ No

If yes, how much? \$ 20,000

If yes, state the attorney's name, address, and telephone number:

Valerie S. Carter, Esquire
Carter + Doyle, LLP
530 ATLANTIC Ave., 3rd fl.
Boston MA 02210

11. Have you paid — or will you be paying — anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

☐ Yes ☒ No

If yes, how much? \$ _____

If yes, state the person's name, address, and telephone number:

12. Provide any other information that will help explain why you cannot pay the docket fees for your appeal.

13. State the address of your legal residence.

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Tucson Arizona 85714

Your daytime phone number: () NONE

Your age: 26 Your years of schooling: 14